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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,848	07/24/2001	Kim Powell	ORCL 2000-069-01	6014

7590

03/23/2006

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/912,848	POWELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harish T. Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Alaia et al (hereinafter Alaia – US 20020046148).

Re. Claim 1, Alaia discloses a) receiving update configuration information from remote bidders via a distributed (broadcast) computer network, the update configuration information including a time interval for receiving bid status updates [Abstract, Figures 1-3, paragraph (para.) 0026, 0027, 0030],

b) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040],

c) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and

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d) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Re. Claim 2, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the seller [para. 0007, 0008-0009, 0074, see buyer-bidding auction].

Re. Claim 3, Alaia discloses specifying initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181].

Re. Claim 4, Alaia discloses 4. The method of Claim 1 further including the step of: selecting the time interval for the update configuration information by using a graphical user interface of a browser [Figure 3 # 10 & #30, para. 0008, 0026, 0174 – priceline website inherent GUI of a browser].

Re. Claim 5, Alaia discloses wherein the time interval for the update configuration information allows the remote bidders to receive the bid status updates automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 6, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

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Re. Claim 7, Alaia discloses changing a specification for the item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 8, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 9, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 10, Alaia discloses a) accessing a specification for items for the auction [para. 0007-0009, 0074, see database to get information],

b) accessing initial conditions for the auction, the initial conditions including an allotted time for the auction [para. 0091, 0142, 0181],

c) receiving update configuration information from remote bidders via a distributed computer network, the update configuration information including a time interval for transmitting bid status updates to the remote bidders [para. 0026, 0027, 0030],

d) conducting an auction wherein bid information received from the remote bidders is compared to determine a bid status and wherein the bid status is used to determine the bid status updates for the remote bidders [Figures 6A-9B, para. 0026, 0030-0034, 0040],

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e) disseminating the bid status updates to the remote bidders via the distributed computer network in accordance with the update configuration information [Figures 6A-6D and associated paragraph page 1, para. 0069-0072], and  
f) designating an auction winner at the conclusion of the auction in accordance with a most competitive bid of the bid status [para. 0137, 0158].

Re. Claim 11, Alaia discloses receiving the time interval for the update configuration information from a graphical user interface of a browser on a client machine [Figure 3 # 10 & #30, para. 0008, 0026, 0027, 0030, 0174 – priceline website inherent GUI of a browser].

Re. Claim 12, Alaia discloses wherein the time interval for the update configuration information causes the server to transmit the status updates to the remote bidders automatically in accordance with the time interval [Figures 6A-9B, para. 0026, 0030-0034, 0037, 0040].

Re. Claim 13, Alaia discloses adjusting the time interval for the update configuration information dynamically as the auction is conducted [para. 0100-0102].

Re. Claim 14, Alaia discloses changing a specification for an item for the auction dynamically as the auction is conducted [para. 0055-0056, 0124], and disseminating the changed specification for the item to the remote bidders via the

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distributed computer network in accordance with the update configuration information [para. 0026, 0027, 0030].

Re. Claim 15, Alaia discloses storing the update configuration received from the remote bidders at an exchange server host to enable the providing of the bid status to the remote bidders [para. 0026-0027, 0100].

Re. Claim 16, Alaia discloses wherein the distributed computer network is the Internet [para. 026].

Re. Claim 17, Alaia discloses accessing a specification for an item for the auction, the specification for the item provided by the buyer [para. 00017, 0007-0009, 0074].

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 6,449,601 (Friedland et al) disclose a method for distributing a live auction over the Internet to remote bidders. A human proxy attends the live auction in order to monitor the auction and compose status updates that are distributed to remote bidders via the Internet in real time to allow the remote bidders to follow the auction. Remote bidders may place bids for items that are transmitted via the Internet to the human

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proxy, who may then submit the bids to the auctioneer, components that facilitate distribution of the live auction over the Internet include: an auction console, an auction sever, collector/redistributor nodes, and client programs.

US 6,598,026 (Ojha et al.) disclose electronic commerce solution is provided for facilitating online transactions which allows traditional negotiation between a buyer and a seller to occur. According to a specific embodiment, a web site is provided having individual private graphical user interfaces, e.g., web pages, for buyers and sellers. A buyer gains access to his private interface with a user ID and password. The buyer's interface allows him to search a proprietary database for current product information for a variety of products being offered for sale by a number of sellers. The product information includes, for example, the name of the seller and an ask price and/or a list price for the product as specified by the seller. The buyer may save the product information for any products in which he is interested to one or more shopping lists which become part of his interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

*Harish T Dass*

3/17/06